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10 **BEFORE THE**
11 **BOARD OF REGISTERED NURSING**
DEPARTMENT OF CONSUMER AFFAIRS
12 **STATE OF CALIFORNIA**
13

14 In the Matter of the Accusation Against:

Case No. 2010-121

15 **SUSAN EILEEN EGGERS**
16 **P. O. Box 98**
Charlo, MT 59824

A C C U S A T I O N

17 **Registered Nurse License No. 706722**

18 Respondent.
19

20 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

21 **PARTIES**

22 1. Complainant brings this Accusation solely in her official capacity as the Interim
23 Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

24 **License History**

25 2. On or about July 9, 2007, the Board of Registered Nursing issued Registered Nurse
26 License Number 706722 ("license") to Susan Eileen Eggers ("Respondent"). The license will
27 expire on December 31, 2010, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code"), unless otherwise indicated.

4. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

5. Code section 2764, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

6. Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

STATUTORY PROVISIONS

7. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

COST RECOVERY

8. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE

(Out-of-State Discipline)

9. Respondent's license is subject to disciplinary action under Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent's Registered Nurse License was denied licensure by the Arizona State Board of Nursing ("Arizona Board"). In the action entitled, *In the Matter of Application for License by: Endorsement Susan E. Eggars to Practice Professional Nursing in the State of Arizona*, effective November 20, 2008, pursuant to the Order of Denial No. 0706112, Respondent's application to practice as a professional nurse was denied and any temporary certificate issued to Respondent was revoked. Furthermore, Respondent is not eligible to reapply for licensure for a period of five years from the effective date of the Order of Denial. The underlying circumstances of the discipline are that the Arizona Board on several different occasions requested Respondent to provide a written explanation and specific court and police records regarding Respondent's numerous arrests, citations and/or charges, and convictions regarding Driving Under the Influence, Endangering the Welfare of Children, Harassment, Death Threats, and Criminal Conspiracy to Commit Murder. Respondent failed to provide any of the documentation.

A copy of the Arizona Board's Order of Denial No. 0706112, Findings of Fact and Conclusions of Law is attached as Exhibit A, and is incorporated herein.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse Number 706722, issued to Susan Eileen Eggers;
2. Ordering Susan Eileen Eggers to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 8/28/09


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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EXHIBIT A

Arizona Board's Order of Denial No. 0706112

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF APPLICATION)
FOR LICENSE BY: ENDORSEMENT)
SUSAN E. EGGERS)
TO PRACTICE PROFESSIONAL)
NURSING IN THE STATE OF ARIZONA)

ORDER OF DENIAL
NO.
0706112

On November 20, 2008, the Arizona State Board of Nursing ("Board") considered the application for licensure of Susan E. Eggers ("Applicant").

FINDINGS OF FACT

1. On or about June 7, 2007, Applicant submitted a professional nurse application by endorsement to the Board. On the application question: Have you ever been convicted, entered a plea of guilty, nolo contendere or no contest, or have you ever been sentenced, served time in jail or prison, or had prosecution deferred or probation deferred in any felony or undesignated offense, Applicant answered "Yes". Based upon this response an investigation was initiated.

2. On or about September 16, 2001, according to Pendleton Police Department, Pendleton, Oregon, report number 01-7292, police arrested Applicant for Driving Under the Influence. Applicant's blood alcohol content result was .18. Applicant told police on a scale of one to ten her intoxication was a two or three.

3. On or about February 25, 2003, according to Franklin County District Court case number C383972, Applicant was found guilty of misdemeanor DUI, with a blood alcohol content result of .13.

4. On or about June 4, 2004, according to Superior Court of the State of Washington case number 01-2-01351-1, Applicant lost a civil law suit in reference to contractor G.H., whom she had hired for construction on her home. Testimony in court was undisputed that G. H. did not

receive money that was due to him by Applicant in the amount of (\$67,723.75). Applicant failed to make the payments to G.H., forged his endorsement on funds from the insurance company and converted his funds to her own use.

5. On or about February 12, 2006, according to Kennewick Police Department report number 06-04062, G. H. contacted Applicant by making up a fictitious name on Yahoo Messenger. Through a subpoena to Yahoo, messenger documents were obtained that indicated Applicant wrote in her instant messenger to G.H. that she wanted a "Triple Hit" on the "Bastard Contractor" (which is actually G.H.), his Attorney and the "Bitch Judge."

6. On or about February 15, 2006, according to Superior Court of Washington for Benton County, case number 06-100001-7, an order of authorizing interception and recording of communications was ordered by the judge to intercept the communications of G.H. and Applicant on the basis that there was probable cause that Applicant was about to commit the Felony crime of Criminal Conspiracy to Commit Murder.

7. On or about March 10, 2006, according to Kennewick Police Department incident number 06-04062, when Applicant was in court against G.H. in reference their civil law suite, G.H. alleged that while in court Applicant pointed her finger at him in the form of a pistol. Applicant was arrested for Felony Threats, Applicant was charged with Death Threat on a previous conviction.

8. On or about September 20, 2006, according to case number 06-01-00350-4, Applicant's charge of Felony Harassment was dismissed for the reasons that Applicant completed the terms of her agreement with the state.

9. On or about November 03, 2007, according to Lake County Sheriff's Office report number 207CR0028174, police officers responded to a report of a juvenile party where police

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arrived, Applicant was the only adult present. According to police it was apparent Applicant was very intoxicated. Applicant was arrested for Endangering the Welfare of Children and was transported to jail.

10. On or about April 08, 2008, according to Lake County Justice Court case number TK-2007-0003190, Applicant was given a differed prosecution agreement in reference to her November 3, 2007 arrest for Endangering the Welfare of Children.

11. From August 7, 2006, to May 30, 2008, Applicant was employed as a Registered Nurse at American Diagnostic in Elmhurst, Illinois.

12. On or about July 1, 2006, Applicant answered falsely when she answered "No" on her employment application with American Diagnostic to the question: Have you ever pled guilty or no contest to, or been convicted of any criminal offense?

13. On or about July 19, 2007, Board staff sent Applicant a Court and Conviction Questionnaire with instructions to provide a written explanation and specific court and police records regarding each of her arrests, citations or charges by August 9, 2007. Applicant failed to respond.

14. On or about January 9, 2008, Board staff sent Applicant a second Court and Conviction Questionnaire with instructions to provide a written explanation and specific court and police records regarding each of her arrests, citations or charges, and instructions to call her assigned Investigator, by January 24, 2008. Applicant failed to respond.

15. On or about January 28, 2008, Board staff sent Applicant a letter that the Notice of Administrative Completeness letter did not indicate that her investigative process of her case was complete and she still needed to respond by completing and returning the questionnaire. Applicant failed to respond.

16 On or about February 11, 2008, Board staff sent a third letter advising that she has failed to provide the Court and Conviction Questionnaire for all her arrests and convictions and instructions to provide a written explanation and specific court and police records regarding each of her arrests, citations or charges, by February 28, 2008. Applicant failed to respond.

17. On or about October 9, 2008, Board staff sent Applicant a fourth letter and Court and Conviction Questionnaires with instructions to provide a written explanation and specific court and police records regarding each of her additional two Driving Under the Influence incidents (DUI's) she had told Board staff about in the September 28, 2008, phone interview, and were due to be completed and returned to the Board on October 27, 2008. Applicant failed to respond.

CONCLUSIONS OF LAW

In light of the above Findings of Fact, the Board has cause to deny the application for licensure of Susan E. Eggers pursuant to A.R.S. § 32-1663(A) and (B), as defined in A.R.S. § 32-1601(16)(d), (h), (j) and A.A.C. R4-19-403(B), (2), (17), (25) (a), (26) and (31).

ORDER

NOW THEREFORE, IT IS ORDERED that the application of Susan E. Eggers for a license to practice as a professional nurse in the State of Arizona is denied and any temporary certificate issued to Applicant is hereby revoked. Pursuant to A.A.C. R4-19-609, the effective date of the Order of Denial is upon expiration of the time for filing an appeal, 30 days after the date of service of the Order of Denial..

IT IS FURTHER ORDERED that Applicant is not eligible to reapply for said license pursuant to A.A.C. R4-19-404 for at minimum, five years from the effective date of the Order of Denial.

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IT IS FURTHER ORDERED that Applicant shall immediately cease and desist the practice of nursing in the State of Arizona and is not eligible to practice nursing in Arizona under the privilege of any Compact state without prior approval from the Arizona Board of Nursing.

PURSUANT TO A.R.S. § 41-1092.03, any person aggrieved by this Order may apply to the Board, in writing, within thirty days of receipt and request a public hearing with respect to this Order. If you request a public hearing with respect to this Order, you also have the right to request an informal settlement conference by filing a written request with the Board, pursuant to A.R.S. § 41-1092.06, no later than 20 days before the scheduled hearing. The conference will be held within 15 days after receipt of your request. Please note that you waive any right to object to the participation of the Board's representative in the final administrative decision of the matter if it is not settled at the conference. For answers to questions regarding the appeals process, contact Susan Barber, at (602) 889-5161.

DATED this 20th day of November, 2008.

SEAL

ARIZONA STATE BOARD OF NURSING

Joey Ridenour R.N. M.N. F.A.A.N.

Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

JR/RL:eg

COPY mailed this 26th day of November, 2008, by Certified Mail No. 7006 3450 0000 4916 3952 and First Class Mail to:

Susan E. Eggers
P.O. Box 98
Charlo, MT 59824

2 NOV 2008
DEPT. OF HEALTH
BUTTE

By: Esther Garcia